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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,572	03/29/2004	Philippe Renard	P24493	9533
7055	7590	08/29/2006		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER BASINGER, SHERMAN D	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.	Applicant(s)	
10/810,572	RENARD ET AL.	
Examiner	Art Unit	
Sherman D. Basinger	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 16, 18-28, 30, 33-35, 37-41, 43, 45-52, 54, 61-63 and 70-73 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-7, 9-14, 29, 31, 32, 44, 53, 55-57, 59, 60, 64-67 and 69 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 8, 36, 42, 58, 68, 74 and 75 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 10/089,151.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 69, 5, 6, 7, 14, 29, 31, 32, 44, 53, 55, 56, 57, 59, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojcik in view of Gusdorf et al.

For claim 1, Wojcik discloses in figures 15-17 a hollow surfboard 70 comprising:

a lower half-shell 102 having no lateral side-walls;

an upper half-shell 100 having

downwardly curved

side-walls 100a, said upper half-shell 100 being adapted to support a standing person during use of

the surfboard; and

at least one longitudinal partition 84a and 84b, at least said one longitudinal partition

vertically connecting said lower and upper half-shells;

Wojcik does not disclose that said longitudinal partition consist essentially of foam and that the upper half shell comprises a sheet of foam.

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Wojcik in column 5, lines 36-40 discloses that while ABS is the preferred material for the upper half shell and the core 72 which includes the partition, Wojcik also discloses that a high impact styrene may be used. Gusdorf et al discloses the use of high impact polystyrene foam for the plastic body of his article of furniture. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use a high impact polystyrene foam as the high impact styrene of Wojcik. As such the partition and the upper half shell would be essentially foam and a sheet of foam. Motivation to use high impact polystyrene foam as the high impact styrene of Wojcik is because it can be thermo vacuum formed as desired by Wojcik.

With regard to claim 2, the core 72 of Wojcik has a plurality of partitions.

Wojcik uses thermo forming for the upper sheet 100.

Wojcik, while preferring to thermo form his upper and lower half shells and the core, does suggest other ways of forming them. Thus, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to form at least the lower half shell by injection molding as taught by Wojcik if so desired. Motivation to do so is to take advantages of injection molding.

Wojcik discloses bonding the lower edge of the lateral sidewalls of the upper half shell to the upper surface of the lower half shell; thus, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

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matter pertains to use glue as the bonding material. Motivation to do so is to take advantage of the properties of glue.

Wojcik does not disclose that the core 72 and as such the partition is made of a foam different than that of the sheet of foam of the upper half shell. However, Wojcik does disclose the use of different materials to make the shells and core; thus, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to choose a different foam material for the partition. Motivation to do so is to use a foam material providing a desired characteristic to the partition, the characteristic being different than that desired for the upper half shell.

3. Claims 9-13 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojcik and Gusdorf et al as applied to claim 1 above, and further in view of Breisch.

Wojcik does not disclose that the partition of the core 72 is made of polypropylene foam. Wojcik discloses using a high impact plastic such as styrene for the core 72 and thus the partition. Breisch discloses the use of polypropylene foam as his thermoplastic

foam, such foam being of low density and high stiffness. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use as the core 72 of Wojcik and thus the partition polypropylene foam similar to that used by Breisch. Wojcik desires a plastic of high impact strength that can be thermo vacuum formed. Polypropylene foam meets these standards.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use a polypropylene foam comprising an expanded polypropylene particle foam having a density of approximately 60 kg/m<sup>3</sup> with a compressive stress at 25% of deformation of approximately 350 kpa measured according to ISO standard 844, or having a density of approximately 20-100 kg/m<sup>3</sup> with a compressive stress at 25% of deformation of approximately 100-600 kpa measured according to ISO standard 844. Motivation to do so is to choose a polypropylene foam with the characteristics desired.

4. Claims 64-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paccoret et al.

Paccoret et al discloses an aquatic gliding board comprising  
a hollow inner shell formed by 22 and 22';  
an outer shell formed by 20 and 20';  
a casing, bottom filler material 24', of polyvinyl foam between said inner shell and said outer shell;

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at least one longitudinally extending partition 14 within said hollow inner shell, said partition being made of a material different from that of the casing 24' (see column 5, lines 45-48).

Paccoret et al does not disclose the bottom casing casing 24' as comprising at least one layer of a thermoformed extruded polystyrene foam.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to form bottom casing 24' of thermoformed extruded polystyrene foam. Motivation to do so is to use a foam which is buoyant and which provides strength.

While Paccoret et al does disclose that the partition is made of a different material than the casing (formed of material similar to the upper and lower board sections which means that the partition is not foam alone), Paccoret et al does not disclose the partition as being made of wood. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make the partition of balsa wood as balsa wood offers strength while being very light.

In Paccoret et al the plurality of transversely spaced apart longitudinally extending partitions are 10 and 12.

***Allowable Subject Matter***

5. Claims 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 33, 34, 35, 37, 38, 40, 41, 39, 43, 45, 54, 61, 70, 46, 47, 48, 49, 62, 71, 72, 50, 51, 52, 63 and 73 are allowed.

6. Claims 4, 68, 3, 8, 36, 42, 58, 75 and 74 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed August 7, 2006 have been considered. Those concerning the rejected claims are moot in view of the new grounds of rejection except for the claims rejected with Paccoret et al. Those arguments concerning Paccoret et al are not persuasive. Those for the claims indicated as being allowable or containing allowable subject matter were persuasive.


8. Applicant's arguments concerning Paccoret et al are that Paccoret et al chooses as the foam for casing 24' polyvinyl foam because of its very low rate of water absorption while the claimed polystyrene foam absorbs water more readily. Since what is a low absorption rate is relative in nature, this argument is not persuasive. Applicant cannot conclude that the absorption rate of polystyrene foam is an absorption rate which is too high for use as the foam in casing 24' of Paccoret et al. There are no facts in Paccoret et al to make such a conclusion. Its mere speculation by applicant.

**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 571-272-6679. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Sherman Basinger  
Primary Examiner  
Art Unit 3617

8/25/06